

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

VTP RIVER WOODS LLC, *et al.*,

Plaintiffs,

Case No. 24-cv-12646
Hon. Matthew F. Leitman

v.

CITY OF YPSILANTI,

Defendant.

/

**ORDER TERMINATING DEFENDANT'S
MOTION TO DISMISS (ECF No. 8) AS MOOT**

On October 7, 2024, Plaintiffs VTP River Woods LLC and VTP Arbor One LLC (collectively, "Plaintiffs") filed this civil-rights action against Defendant City of Ypsilanti (the "City"). (*See* Compl., ECF No. 1.) The City thereafter filed a motion to dismiss Plaintiffs' Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). (*See* Mot. to Dismiss, ECF No. 8.)

On November 13, 2024, without expressing any view regarding the merits of the motion to dismiss, the Court issued an order granting Plaintiffs leave to file a First Amended Complaint in order to remedy the alleged deficiencies in their claims identified by the City in its motion to dismiss. (See Order, ECF No. 9.) The Court informed the parties that if Plaintiffs provided notice that they intended to file a First

Amended Complaint, the Court would terminate the City's motion to dismiss without prejudice. (*See id.*)

On November 25, 2024, Plaintiffs filed a Notice with the Court in which they informed the Court that they intend to file a First Amended Complaint. (*See Notice, ECF No. 10.*) In light of Plaintiffs' Notice, the Court **TERMINATES** the City's pending motion to dismiss (ECF No. 8) **AS MOOT**. The City may file a renewed motion to dismiss, directed at the First Amended Complaint, if appropriate, after that pleading is filed.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: November 26, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 26, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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